

COPY

FILED
IN CLERKS OFFICEIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

2004 JUN -9 A 9:49

U.S. DISTRICT COURT
DISTRICT OF MASS.

Lori Franklin, et al.

Plaintiffs,

v.

CIVIL ACTION

NO.

Indevus Pharmaceuticals, Inc., F/K/A Interneuron
Pharmaceuticals, Inc.; Wyeth, Inc., F/K/A American Home
Products Corporation; Wyeth Pharmaceuticals, Inc. F/K/A
Wyeth-Ayerst Pharmaceuticals, Inc., A Division of American
Home Products Corporation; and Boehringer Ingelheim
Pharmaceuticals, Inc.

Defendants.

04-11262 GAO

**NOTICE OF ORDER REFERRING REMAND MOTIONS IN
DIET DRUG CASES TO A SINGLE JUDGE FOR DECISION**

This case is one of over 200 diet drug cases originally filed on behalf of approximately 4,500 plaintiffs in state court in Middlesex County, Massachusetts. Wyeth is in the process of removing all of these diet drug cases to the federal court.

In the first of these cases -- *Andrus, et al v. Indevus Pharm., Inc., et al.* -- Wyeth filed a Notice of Removal on May 7, 2004. Because the anticipated remand motions in *Andrus* and this and the other diet drug cases likely will raise similar, if not identical issues, Wyeth filed in *Andrus* a Motion to Refer Decision of Remand Motions in All Diet Drug Cases to a Single Judge for Decision. On May 19, 2004, the court (O'Toole, J.) entered an order granting Wyeth's motion.

Respectfully submitted this 9th day of June, 2004.

/s/ Janice W. Howe

William A. McCormack BBO #329580

Janice W. Howe BBO #242190

David Yamin BBO #562216

Bingham McCutchen LLP

150 Federal Street

Boston, MA 02110

(617) 951-8000

Counsel for Defendants Wyeth and
Wyeth Pharmaceuticals, Inc.

CERTIFICATE OF SERVICE

This is to certify that I have this day served Notice of Order Referring Remand Motions in Diet Drug Cases to a Single Judge for Decision upon all parties to the above-captioned action by hand, by United States First Class Mail, postage prepaid, or by Federal Express to the following:

By Hand

Edward J. Barshak (BBO No. 032040)
Michael S. Appel (BBO No. 543898)
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street, 9th Floor
Boston, MA 02114

By Federal Express

David P. Matthews (Texas Bar No. 13206200)
Julie L. Rhoades (Texas Bar No. 16811710)
Abraham, Watkins, Nichols, Sorrels, Matthews & Friend
800 Commerce Street
Houston, TX 77002-1776

Counsel for Plaintiffs

By Hand

Matthew J. Matule (BBO #632075)
Skadden, Arps, Slate, Meagher & Flom LLP
One Beacon Street
Boston, MA 02108

Counsel for Defendants Indevus Pharmaceuticals, Inc. and Boehringer Ingelheim Pharmaceuticals, Inc.

This 9th day of June, 2004.

/s/ Janice W. Howe

Janice W. Howe

*Counsel for Defendants Wyeth
and Wyeth Pharmaceuticals, Inc.*